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**HOUSE BILL 448**

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

**INTRODUCED BY**

**Daniel P. Silva**

**AN ACT**

**RELATING TO PROFESSIONAL CONTESTS; PROVIDING AN EXEMPTION FROM GROSS RECEIPTS TAX FOR CERTAIN PROFESSIONAL CONTESTS, EVENTS AND CONCERTS; AMENDING THE DEFINITION OF "PROFESSIONAL CONTEST" IN THE PROFESSIONAL ATHLETIC COMPETITION ACT.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:**

**"[NEW MATERIAL] EXEMPTION--GROSS RECEIPTS TAX--RECEIPTS FROM CERTAIN ATHLETIC CONTESTS, SPORTING EVENTS AND CONCERTS. --**

**Exempted from the gross receipts tax are:**

**A. receipts from the promotion of professional contests subject to the provisions of Section 60-2A-23 NMSA 1978 and from the exhibition of live professional contests subject to the provisions of Section 60-2A-26 NMSA 1978;**

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1           B. receipts from ticket sales or admission fees for  
2 professional contests as defined in Section 60-2A-2 NMSA 1978;  
3 and

4           C. receipts from ticket sales or admission fees for  
5 a live concert held at a venue capable of accommodating at  
6 least two thousand five hundred persons. "

7           Section 2. Section 60-2A-2 NMSA 1978 (being Laws 1980,  
8 Chapter 90, Section 2, as amended) is amended to read:

9           "60-2A-2. DEFINITIONS. -- As used in the Professional  
10 Athletic Competition Act:

11           A. "board" means the medical advisory board;

12           B. "commission" means the New Mexico athletic  
13 commi ssi on;

14           C. "foreign co-promoter" means a promoter who has  
15 no place of business in this state;

16           D. "professional boxer" or "professional wrestler"  
17 means an individual who competes for money, prizes or purses or  
18 who teaches, pursues or assists in the practice of boxing,  
19 wrestling or martial arts as a means of obtaining a livelihood  
20 or pecuniary gain;

21           E. "professional contest" means any professional  
22 automobile racing, boxing, wrestling or martial arts contest or  
23 exhibition or a one-time professional sporting event, whether  
24 or not an admission fee is charged for admission of the public;

25           F. "promoter" means any person, and in the case of

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1 a corporate promoter includes any officer, director or  
2 stockholder of the corporation, who produces or stages any  
3 professional boxing, wrestling or martial arts contest,  
4 exhibition or closed circuit television show;

5 G. "purse" means the financial guarantee or any  
6 other remuneration, or part thereof, for which professional  
7 boxers or professional wrestlers are participating in a contest  
8 or exhibition and includes the participant's share of any  
9 payment received for radio broadcasting, television or motion  
10 picture rights;

11 H. "ring official" means any person who performs an  
12 official function during the progress of a contest or  
13 exhibition; and

14 I. "department" means the regulation and licensing  
15 department. "

16 Section 3. EFFECTIVE DATE. --The effective date of the  
17 provisions of this act is July 1, 2004.